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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,973	07/12/2001	Joseph A. Schrader	164052.02	9505
22971	7590	07/24/2007		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER BUI, KIEU OANH T	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 07/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
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Office Action Summary

Application No.

09/903,973

Applicant(s)

SCHRADER ET AL.

Examiner

KIEU-OANH BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13, 16-18, 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13, 16-18, 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Claim 20 has been previously cancelled, and claims 1-19, and 21-40 are pending for reconsideration. Applicant elects group II with traverse is acknowledged.

Election/Restrictions

2. Claims 1-6, 14-15, 19, 21-27 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claims, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 05/04/2007.

This application contains claims drawn to an invention nonelected with traverse in the reply filed on 05/04/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant's election with traverse of claims 1-6, 14-15, 19, 21-27 and 28 in the reply filed on 05/04/2007 is acknowledged. The traversal is on the ground(s) that "if the search and examination of all the claims in the application can be made without serious burden, the examiner must examine them..." and the previous examiner Timothy Murphy did perform the search for all Groups I-IV as in the office action November 21, 2003. This is not found persuasive because in fact, if the examiner does the search and write an office action to all of the invention of Group I-IV, the examiner does get serious burdens not to miss any single claiming feature of all the inventions even though they might be slightly different in scope (in applicant's view). All major and minor feature must be considered, examined and treated. For the other concern, the previous examiner missed to provide "election/restriction" and was willing to search

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all of the invention, and that was his choice. The primary examiner now would not comment on his behalf.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 7-13, 16, 18, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen et al. (U.S. Patent Pub. No. US2002/0038456 A1).

Regarding claims 7 and 29 (corresponding method), Hansen teaches “a method for presenting enhanced broadcast television programming comprising the steps of: receiving a schedule for a plurality of broadcast television listings, each of the plurality of television listings including a unique event identifier; receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings; presenting a visual cue based on the IP data on a video display; receiving a viewer selection of the visual cue; and tuning to the channel associated with the event identifier in response to viewer selection of

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the visual cue” (Figs. 1 & 3, 5, and page 2/par. 0019-0023 for internet using IP; page 5/0046 for event identifiers; page 5/0052 for visual cues; and page 10/0099 for scheduling by the user).

For claim 8, Hansen teaches “wherein the video display is a conventional television receiver” (page 1/par. 0006).

For claim 9, Hansen teaches “wherein the Internet protocol data comprises a portion of the available television programming” (page 2/0023).

For claim 10, Hansen teaches “wherein the Internet protocol data portion corresponds to broadcast television programming currently available to the viewer” (page 2/0022-0024).

For claims 11-13, these claims for the steps of “wherein the Internet protocol data portion is filtered to correspond to currently available sports television programming”; “wherein the Internet protocol data portion is filtered to correspond to other sports television programming currently in progress”; and “wherein the portion corresponding to the available television programming is the same as the event identifier corresponding to the IP data” are taught by Hansen (page 1/par. 0006 for genre categories such as horse racing for sports are addressed; and page 2/0022-0025 for IP and services related to different subscription, demands or services).

As for claim 16, Hansen teaches “a client system for receiving a broadcast television navigation service comprising: means for receiving broadcast television programming; means for receiving Internet protocol data that is not provided in a program band of the broadcast television programming; and means for linking the broadcast television programming with the Internet protocol data” (refer to claims 7 and 11-13).

As for claim 18, Hansen further teaches “comprising a digital event identifier; receiving enhanced Internet protocol (IP) data including an event identifier associating the IP data with one of the plurality of television listings; presenting a visual cue based on the IP data on a display device informing a user of an action” (Figs. 1 & 3, 5, and page 2/par. 0019-0023 for internet using IP; page 5/0046 for event identifiers; page 5/0052 for visual cues; and page 10/0099 for scheduling by the user).

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (U.S. Patent Pub. No. US2002/0038456 A1) in view of Dougherty et al. (U.S. Patent No. 7,028,327 B1).

Regarding claim 17, Hansen does not suggest to use “digital tuners” or “multiple digital tuners”; however, this technique of “wherein said means for receiving broadcast television programming and means for receiving Internet protocol data comprises multiple digital tuners” is known in the art. In fact, Dougherty teaches an exact same technique of using digital tuners in their system in order to synchronize with digital broadcast program while using electronic program guide to search for program listings (Fig. 2/item 202, and col. 13/line 50 to col. 14/line 2, wherein tuner can be a digital tuner).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansen's system with Dougherty's teaching system in order to equip the system with digital tuners for receiving digital broadcasting programs. The motivation for doing this is to offer an adaptation in receivers by using digital tuners for receiving and tuning to appropriate digital streaming programs instead of an analog tuner for receiving conventional (analog) television broadcast.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui
Primary Examiner
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KB
July 19, 2007